

105TH CONGRESS  
2D SESSION

# H. R. 3314

To provide grants to States to encourage fathers to become better parents.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 1998

Mr. SHAW (for himself, Mr. CAMP, Mr. ENGLISH of Pennsylvania, Mr. HAYWORTH, and Mr. WATKINS) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To provide grants to States to encourage fathers to become better parents.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Fathers Count Act  
5       of 1998”.

6       **SEC. 2. GRANTS TO STATES TO ENCOURAGE FATHERS TO**  
7       **BECOME BETTER PARENTS.**

8       Title IV of the Social Security Act (42 U.S.C. 601–  
9       679b) is amended by inserting after part B the following:

1    **“PART C—GRANTS TO STATES TO ENCOURAGE**  
2       **FATHERS TO BECOME BETTER PARENTS**

3    **“SEC. 441. STATE PLAN.**

4       “A State desiring to receive a grant under this part  
5 shall submit to the Secretary a plan which describes how  
6 the State will—

7           “(1) review applications from governmental and  
8       private (nonprofit and for profit) organizations for  
9       funds provided to the State under this part, includ-  
10      ing the criteria that will be used to award such  
11      funds; and

12          “(2) administer the funds provided to the State  
13      under this part.

14   **“SEC. 442. GRANTS TO STATES.**

15       “(a) GRANT AUTHORITY.—Subject to the availability  
16 of funds, the Secretary shall make a grant to a State that  
17 complies with section 441, for each fiscal year beginning  
18 with fiscal year 2000 that begins after the date the Sec-  
19 retary receives the State plan submitted pursuant to sec-  
20 tion 441, in the amount described in subsection (b).

21       “(b) GRANT AMOUNT.—

22           “(1) IN GENERAL.—The amount of the grant to  
23      be made to a State under this part for a fiscal year  
24      shall be the amount that bears the same relation to  
25      the amount specified in paragraph (2) for the fiscal  
26      year as the population of the State (as determined

1 by the Bureau of the Census for the most recent fis-  
2 cal year for which information is available) bears to  
3 the population of the United States (as so deter-  
4 mined), subject to section 447.

5 “(2) AMOUNT SPECIFIED.—The amount speci-  
6 fied in this paragraph is—

7 “(A) \$200,000,000 for fiscal year 2000;

8 “(B) \$300,000,000 for fiscal year 2001;

9 “(C) \$400,000,000 for fiscal year 2002;

10 “(D) \$500,000,000 for fiscal year 2003;

11 and

12 “(E) \$500,000,000 for fiscal year 2004.

13 **“SEC. 443. USE OF FUNDS.**

14 “(a) IN GENERAL.—A State to which a grant is made  
15 under this section—

16 “(1) shall use the grant to fund projects  
17 which—

18 “(A) encourage unmarried or prospective  
19 fathers to get married, and encourage better  
20 parenting by fathers who are living with 1 or  
21 more of their children; or

22 “(B) include activities that help fathers ob-  
23 tain gainful employment, or help fathers in-  
24 crease their skills in order to qualify for higher-  
25 paying jobs; and

1           “(2) may use the grant funds to support  
2       projects which emphasize ways for fathers who do  
3       not live with 1 or more of their children to become  
4       better parents.

5       “(b) TARGETING OF NONGOVERNMENTAL ORGANIZA-  
6       TIONS.—A State to which a grant is made under this sec-  
7       tion shall provide not less than 75 percent of the grant  
8       funds to nongovernmental organizations.

9       “(c) TARGETING OF FATHERS WITH ANNUAL IN-  
10      COME BELOW STATE AVERAGE INCOME OF MALE EARN-  
11      ERS.—A State to which a grant is made under this section  
12      shall ensure that not less than 80 percent of the grant  
13      funds are used to provide services for fathers whose in-  
14      come is less than the State or local average income level  
15      for male earners.

16      “(d) AVAILABILITY OF FUNDS.—A State to which a  
17      grant is made under this section for a fiscal year shall  
18      remit to the Secretary any funds remaining from the grant  
19      that have not been expended by the end of the next fiscal  
20      year.

21      **“SEC. 444. COORDINATION WITH OTHER PROGRAMS.**

22      “(a) AUTHORITY TO USE WELFARE-TO-WORK AND  
23      TITLE XX FUNDS FOR ACTIVITIES UNDER THIS PART.—  
24      A State to which a grant is made under section 441 may

1 use funds provided under section 403(a)(5) or title XX  
2 in any manner described in section 443.

3 “(b) ADMINISTRATION OF WELFARE-TO-WORK  
4 FUNDS.—A State that uses funds provided under section  
5 403(a)(5) for activities under this part may administer the  
6 funds so used through the State agency responsible for  
7 administering the funds provided under the other provi-  
8 sions of section 403(a).

9 “(c) COORDINATION WITH TANF PROGRAM.—The  
10 State shall coordinate the State program funded under  
11 this part with the State program funded under part A.

12 **“SEC. 445. DISBURSEMENT OF FUNDS BY STATES.**

13 “(a) APPROPRIATION BY STATE LEGISLATURE.—  
14 Any funds received by a State under this part shall be  
15 subject to appropriation by the State legislature, consist-  
16 ent with this part.

17 “(b) DISBURSEMENT BY GOVERNOR.—The Governor  
18 of a State to which funds are provided under this part  
19 may disburse the funds consistent with this part, except  
20 as otherwise provided by State law.

21 **“SEC. 446. SERVICES PROVIDED BY CHARITABLE, RELI-**  
22 **GIUS, OR PRIVATE ORGANIZATIONS.**

23 “(a) STATE OPTION.—A State may—

1           “(1) administer and provide services under the  
2           program under this part through contracts with  
3           charitable, religious, or private organizations; and

4           “(2) provide beneficiaries of assistance under  
5           the program with certificates, vouchers, or other  
6           forms of disbursement which are redeemable with  
7           such organizations.

8           “(b) RELIGIOUS ORGANIZATIONS.—The purpose of  
9           this section is to allow States to contract with religious  
10          organizations, or to allow religious organizations to accept  
11          certificates, vouchers, or other forms of disbursement  
12          under any program under this part, on the same basis as  
13          any other nongovernmental provider without impairing the  
14          religious character of such organizations, and without di-  
15          minishing the religious freedom of beneficiaries of assist-  
16          ance funded under such program.

17          “(c) NONDISCRIMINATION AGAINST RELIGIOUS OR-  
18          GANIZATIONS.—In the event a State exercises its authority  
19          under subsection (a), religious organizations are eligible,  
20          on the same basis as any other private organization, as  
21          contractors to provide assistance, or to accept certificates,  
22          vouchers, or other forms of disbursement, under any pro-  
23          gram under this part so long as the programs are imple-  
24          mented consistent with the Establishment Clause of the  
25          United States Constitution. Except as provided in sub-

1 section (k), neither the Federal Government nor a State  
2 receiving funds under such programs shall discriminate  
3 against an organization which is or applies to be a contrac-  
4 tor to provide assistance, or which accepts certificates,  
5 vouchers, or other forms of disbursement, on the basis  
6 that the organization has a religious character.

7 “(d) RELIGIOUS CHARACTER AND FREEDOM.—

8 “(1) RELIGIOUS ORGANIZATIONS.—A religious  
9 organization with a contract described in subsection  
10 (a)(1), or which accepts certificates, vouchers, or  
11 other forms of disbursement under subsection (a)(2),  
12 shall retain its independence from Federal, State,  
13 and local governments, including such organization’s  
14 control over the definition, development, practice,  
15 and expression of its religious beliefs.

16 “(2) ADDITIONAL SAFEGUARDS.—Neither the  
17 Federal Government nor a State shall require a reli-  
18 gious organization to—

19 “(A) alter its form of internal governance;

20 or

21 “(B) remove religious art, icons, scripture,

22 or other symbols;

23 in order to be eligible to contract to provide assist-  
24 ance, or to accept certificates, vouchers, or other

1 forms of disbursement, funded under a program  
2 under this part.

3 “(e) RIGHTS OF BENEFICIARIES OF ASSISTANCE.—

4 “(1) IN GENERAL.—If an individual described  
5 in paragraph (2) has an objection to the religious  
6 character of the organization or institution from  
7 which the individual receives, or would receive, as-  
8 sistance funded under any program under this part,  
9 the State in which the individual resides shall pro-  
10 vide such individual (if otherwise eligible for such as-  
11 sistance) within a reasonable period of time after the  
12 date of such objection with assistance from an alter-  
13 native provider that is accessible to the individual  
14 and the value of which is not less than the value of  
15 the assistance which the individual would have re-  
16 ceived from such organization.

17 “(2) INDIVIDUAL DESCRIBED.—An individual  
18 described in this paragraph is an individual who re-  
19 ceives, applies for, or requests to apply for, assist-  
20 ance under a program under this part.

21 “(f) EMPLOYMENT PRACTICES.—A religious organi-  
22 zation’s exemption provided under section 702 of the Civil  
23 Rights Act of 1964 (42 U.S.C. 2000e–1a) regarding em-  
24 ployment practices shall not be affected by its participa-  
25 tion in, or receipt of funds from, programs under this part.



1       “(g)     NONDISCRIMINATION     AGAINST     BENE-  
2     FICIARIES.—Except as otherwise provided in law, a reli-  
3     gious organization shall not discriminate against an indi-  
4     vidual in regard to rendering assistance funded under any  
5     program under this part on the basis of religion, a reli-  
6     gious belief, or refusal to actively participate in a religious  
7     practice.

8       “(h) FISCAL ACCOUNTABILITY.—

9             “(1) IN GENERAL.—Except as provided in para-  
10     graph (2), any religious organization contracting to  
11     provide assistance funded under any program under  
12     this part shall be subject to the same regulations as  
13     other contractors to account in accord with generally  
14     accepted auditing principles for the use of such  
15     funds provided under such programs.

16            “(2) LIMITED AUDIT.—If such organization  
17     segregates Federal funds provided under such pro-  
18     grams into separate accounts, then only the financial  
19     assistance provided with such funds shall be subject  
20     to audit.

21       “(i) COMPLIANCE.—Any party which seeks to enforce  
22     its rights under this section may assert a civil action for  
23     injunctive relief exclusively in an appropriate State court  
24     against the entity or agency that allegedly commits such  
25     violation.

1       “(j) LIMITATIONS ON USE OF FUNDS FOR CERTAIN  
2 PURPOSES.—No funds provided directly to institutions or  
3 organizations to provide services and administer programs  
4 under subsection (a)(1) shall be expended for sectarian  
5 worship, instruction, or proselytization.

6       “(k) PREEMPTION.—Nothing in this section shall be  
7 construed to preempt any provision of a State constitution  
8 or State statute that prohibits or restricts the expenditure  
9 of State funds in or by religious organizations.

10 **“SEC. 447. ENFORCEMENT PROVISIONS.**

11       “(a) IN GENERAL.—If the Secretary finds that a  
12 State has used funds provided under this part in violation  
13 of this part or of any provision of the State plan submitted  
14 under section 441, the Secretary shall reduce the amount  
15 otherwise payable under section 442 to the State by the  
16 amount so misused as the Secretary considers appropriate.

17       “(b) LIMITATION ON AMOUNT OF PENALTIES.—

18               “(1) IN GENERAL.—In imposing penalties  
19 under subsection (a), the Secretary shall not reduce  
20 any payment to a State by more than 10 percent.

21               “(2) CARRYFORWARD OF UNRECOVERED PEN-  
22 ALTIES.—To the extent that paragraph (1) of this  
23 subsection prevents the Secretary from recovering  
24 during a fiscal year the full amount of penalties im-  
25 posed on a State under subsection (a) of this section

1       for a prior fiscal year, the Secretary shall apply any  
2       remaining amount of such penalties to the grant  
3       payable to the State under this part for the succeed-  
4       ing fiscal year.

5       “(c) APPEAL OF ADVERSE DECISIONS.—Section 410  
6       shall apply to an adverse action taken under this part in  
7       the same manner in which the section applies to an ad-  
8       verse action taken under part A.

9       **“SEC. 448. RESEARCH, EVALUATIONS, AND TECHNICAL AS-**  
10       **SISTANCE.**

11       “(a) RESEARCH.—The Secretary, directly or through  
12       grants, contracts, or interagency agreements, shall con-  
13       duct research on the State programs funded under this  
14       part.

15       “(b) EVALUATIONS.—

16               “(1) IN GENERAL.—Beginning in fiscal year  
17       2000, the Secretary, directly or through grants, con-  
18       tracts, or interagency agreements, shall annually  
19       evaluate how grants made under this part are used,  
20       and a State to which a grant is so made shall co-  
21       operate with the Secretary in the conduct of the  
22       evaluations.

23               “(2) REPORTS TO THE CONGRESS.—Beginning  
24       with fiscal year 2003, and every 2 fiscal years there-  
25       after, the Secretary shall submit to the Congress a

1 report on the evaluations conducted under para-  
2 graph (1) before the fiscal year.

3 “(c) TECHNICAL ASSISTANCE.—The Secretary, di-  
4 rectly or through grants, contracts, or interagency agree-  
5 ments, shall provide States with technical assistance for  
6 the purpose of disseminating information about successful  
7 programs and program components to entities potentially  
8 eligible to receive funds provided under this part.

9 “(d) LIMITATIONS ON AUTHORIZATION OF APPRO-  
10 PRIATIONS.—

11 “(1) RESEARCH AND EVALUATIONS.—For re-  
12 search and evaluations under this section, there are  
13 authorized to be appropriated to the Secretary not  
14 more than \$10,000,000 for each of fiscal years 2000  
15 through 2004.

16 “(2) TECHNICAL ASSISTANCE.—For technical  
17 assistance under this section, there are authorized to  
18 be appropriated to the Secretary not more than  
19 \$10,000,000 for each of fiscal years 2000 through  
20 2004.

21 “(e) LIMITED REPROGRAMMING AUTHORITY.—Dur-  
22 ing a fiscal year, the Secretary may use not more than  
23 20 percent of any amount appropriated under a paragraph  
24 of subsection (d) for the fiscal year for the purpose de-  
25 scribed in the other subparagraph of subsection (d).

1   **“SEC. 449. DEFINITIONS.**

2       “In this part:

3           “(1) FISCAL YEAR.—The term ‘fiscal year’  
4       means any 12-month period ending on September 30  
5       of a calendar year.

6           “(2) STATE.—The term ‘State’ means the 50  
7       States of the United States, the District of Colum-  
8       bia, the Commonwealth of Puerto Rico, the United  
9       States Virgin Islands, Guam, and American  
10      Samoa.”.

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